Credit card freeze on adult sites raises free expression fears

THE ASAHI SHIMBUN

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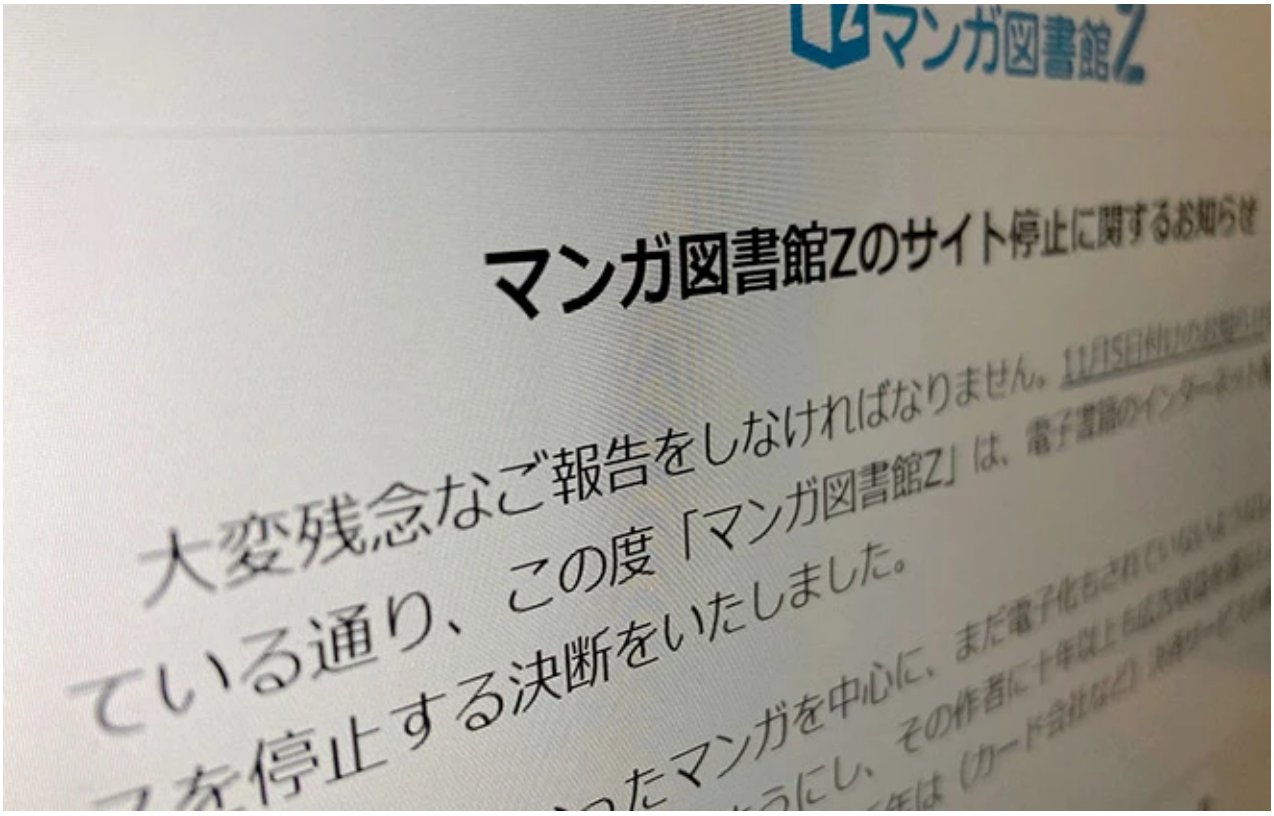

A notice for service termination posted on the official website of Manga Library Z in November 2024 (Ryota Goto)

Leading Japanese websites that deal in adult-oriented manga and illustrations are facing a crisis: Customers can no longer use certain credit cards to buy goods.

The website operators do not know who specifically ordered the freeze on credit card sales, but they assume the sexual content was the reason behind the decision.

Manga Library Z had gained a following for publishing out-of-print comics online and returning the profits back to the original authors. About 20 percent of its content was adult oriented.

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The website was shut down in November last year.

According to Yasuyuki Otokawa, head of the operating company, in May that year, a payment agency that served as a mediator between Manga Library Z and credit card companies sent a list of about 50 words that included “rape” and “torture.”

The agency told Otokawa it would suspend business transactions within three days unless the website removed products containing or suggestive of these words.

“One was the word for ‘han,’ and I wasn’t sure whether I should also remove non-sexual titles,” he said, referring to the kanji character associated with “breaking rules” and “raping.”

Although Otokawa deleted titles he thought would be applicable to the rule, the payment agency terminated transactions with his company in October, saying it was still selling adult content.

It became difficult to operate Manga Library Z because 90 percent of payments were made by credit cards.

Otokawa had set up an age verification process and modified some titles to prevent children from being portrayed sexually.

“I felt the standards for termination were ambiguous,” he said.

ISSUES WITH CREDIT AGENCIES

Others have been forced to stop accepting credit card payments.

DLsite, a major downloading site that sells illustrations and other items, announced in April last year that payments with Visa and Mastercard would be suspended.

In June, the Fanza Doujin fanzine website terminated Visa card payments, while Melonbooks Inc., which sells “doujinshi” fanzines online, stopped accepting Visa and Mastercard payments in December.

The payment service operators have not given a reason for the freeze on the credit card use.

“Since the 2010s, there has been an increasing number of cases in which adult-oriented websites stopped taking credit card payments,” said Kotaro Ogino, head of nonprofit organization Uguisu Ribbon Campaign who is well-versed in freedom of expression issues. “But now, all major website operators were suspended from accepting (credit card payments).”

A Visa representative told The Asahi Shimbun the company declines to comment on individual cases, but added, “We restrict neither legal and free speech nor transactions containing expressions of legal and free speech.”

Mastercard has not responded to requests for an interview.

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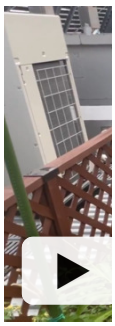

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INTERNATIONAL TREND

Businesses that accept credit card payments do not directly deal with international credit card companies. Instead, they must go through credit card issuers, card acquirers, payment agencies or other institutions.

According to Otokawa, a representative of the payment agency had explained that it was told by an international card brand to suspend the transactions with Manga Library Z.

“We don’t know who is trying to suspend the service,” Ogino said. “Because the process is unclear, business operators have no idea what is at risk and feel increasingly intimidated.”

According to Mitsuhiro Umezu, chief researcher at the Business Ethics Research Center, credit card companies are strictly monitoring transactions as part of their corporate responsibility to protect against the abundant sexual content on the internet.

In 2020, a letter signed by international human rights organizations and at least one U.S.-based conservative nonprofit organization was sent to credit card companies, asking them to stop the use of their cards on porn sites.

In the U.S. state of California, a girl sued the operator of major pornography site Pornhub, saying a video of her was shot and posted on the website without her consent.

She sought to include Visa as a defendant for its responsibility of processing payments on the site.

In 2022, the court ruled that the credit card company could be a defendant.

Immediately after that decision, Mastercard issued a statement saying it would tighten its standards for sexual content.

BRAND IMAGE OR FREE SPEECH

Experts are split over the trend.

“It is a matter of freedom of expression under the Constitution when regulations are introduced by public authorities, but credit card companies are private business operators entitled to protect their brand images,” said Takashi Nagase, a lawyer well-acquainted with measures against illegal and harmful information on the internet.

He said it is possible to exclude excessive expressions that go against public order and morals.

“Still, there must be rules between (credit card) companies and content providers,” he said.

Yoko Shida, a professor of constitutional law at Musashino Art University and an expert on freedom of expression, noted that credit card companies are an important component of infrastructure and beneficial to the public in the internet society.

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She said it is desirable for credit card companies to remain neutral on expressions and to stay away from imposing excessively strict restrictions on people's freedoms.

"Even if certain expressions are uncomfortable to some people, the principle of freedom of expression is that they must be respected unless they infringe others' rights," she said. "It is also possible that de facto restrictions not only on sexual expressions but also on various forms of expression will become widespread without due process of law."

(This story was written by Ryota Goto and Nobufumi Yamada.)

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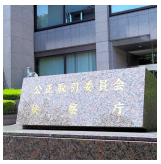

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